

Unpaid Leave of Absence

Objective:	To establish procedures for leave of absence for County employees	Policy/Procedure Number:	03-16
Reference: (All applicable federal, state, and local laws)	Civil Service Rules for Tompkins County; Agreement between the County of Tompkins and Tompkins County Unit, Local 855 of CSEA/AFSCME; Civil Service Law; Agreement between County of Tompkins and Deputy Sheriffs' Association	Effective Date:	January 12, 1981
Legislative Policy Statement:		Responsible Department:	Personnel
General Information:		Modified Date (s):	June 28, 1988
		Resolution No.:	
		Next Scheduled Review:	

I. Definitions: **Unpaid Leave of Absence** - is defined as all absent time in excess of five (5) consecutive working days not paid for by Tompkins County.

- II. Policy:**
- A.** An unpaid leave of absence must always be requested in writing from an employee's department head and approved in advance of the leave by the department head.
 - B.** A leave of absence without pay, not to exceed one (1) year, may be granted to a permanent employee by an appointing officer after Commissioner of Personnel approval. Notice of such leave of absence shall be given to the Commissioner of Personnel by the appointing officer by completing a Report of Personnel and Supplemental payroll Certification (MSD428 available from the Personnel office). The same form shall also be used when the employee wishes reinstatement.
 - C.** Where a leave of absence without pay has been granted for a period which aggregates one (1) year, a further leave of absence without pay shall not be granted unless the employee returns to the same position and serves continuously therein for three (3) months immediately preceding the subsequent leave of absence. Notice of such subsequent leave of absence shall also be given to the Commissioner of Personnel by completing the form mentioned in (2) above.
 - D.** Absence on leave for more than one (1) year shall be deemed the equivalent of a resignation from the service upon the date of commencement of such absence. In an exceptional case, the Commissioner of Personnel may for good cause shown waive the provisions of this rule to permit an extension of the leave of absence for an additional one (1) year period. In no case may such leave of absence exceed in aggregate two (2) years from the date of commencement of such leave.
 - E.** A leave of absence without pay, not to exceed four (4) years, shall be granted by an appointing officer to an employee who is a veteran of the armed forces of the United States, providing such leave of absence is for the purpose of taking courses under the educational benefits provided for in Title 38, United States Code, or under a New York State Board of Regents War Service Scholarship, Education Law, Section 614. An employee taking such leave shall be reinstated

to his/her position, provided application for such reinstatement is made within sixty days (60) days after the termination of the courses of study.

- F.** An employee is not entitled to time off with pay in excess of those benefits specifically allowed in the employee contract.
- G.** An employee who takes an unpaid leave of absence for medical reasons must use all of his/her benefit time (vacation, sick, compensatory time off and discretionary time off) before commencing the unpaid leave. An employee who takes an unpaid leave of absence for non-medical reasons must use all of his/her benefit time except sick time (vacation, personal, compensatory time off and discretionary time off) before commencing the unpaid leave.
- H.** Vacation and sick anniversary dates shall not be adjusted for employees who take an unpaid leave of absence. Vacation and sick time credit will not accumulate during the unpaid leave of absence. An employee on unpaid leave of absence may not claim any bereavement pay or holiday pay.

III. Procedure: